

a little more than 2 years of rapid Senate action to confirm 154 judicial nominees for this President, including 100 during Democratic control. This year alone the Senate has confirmed 54 judicial nominees, including 11 circuit court nominees in 2003. That is more confirmations in just nine months than Republicans allowed for President Clinton in 1996, 1995, 1999, or 2000. Overall, we have confirmed 28 circuit court nominees of President Bush since July of 2001, which is more than were confirmed at this time in the third year of President Reagan's first term President George H.W. Bush's term, or either of President Clinton's terms.

The Senate has held hearings for 13 Pennsylvania nominees of President Bush's to the Federal courts in Pennsylvania. While I was chairman, the Senate held hearings for and confirmed 10 nominees to the district courts in Pennsylvania, plus Judge D. Brooks Smith to the Third Circuit Court of Appeals.

A look at the Federal judiciary in Pennsylvania indicates that President Bush's nominees have been treated far better than President Clinton's. Today, there is no State in the union that has had more Federal judicial nominees confirmed by this Senate than Pennsylvania.

This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate when President Clinton was in the White House, particularly regarding nominees in the western half of the State.

Just a few months ago, on May 16, 2003, Jon Delano wrote in the Pittsburgh Business Times, an article titled "Despite Bush Protests, Court Vacancies are Down," about how this President's nominees in the western part of Pennsylvania have been treated more fairly than President Clinton's nominees. He wrote:

Take the Western District of Pennsylvania, for example. During the years of the Santorum filibuster, that court of 10 judges had as many as five vacancies. Today, the Senate has confirmed four Bush appointees—Judges Joy Contie, David Cercone, Terry McVerry, and Art Schwab—and the fifth nomination, attorney Tom Hardiman, has just been sent to the Senate.

With the elevation and confirmation of Judge Brooks Smith to the U.S. Court of Appeals, the president still needs to name one more judge to the local court, but once completed, Mr. Bush, with less than three years in office, will have named—and the Senate will have confirmed—six of the 10 judges on the local federal court. That hardly sounds like obstructionism.

Despite the best efforts and diligence of the senior Senator from Pennsylvania, Senator SPECTER, to secure the confirmation of all of the judicial nominees from every part of his home State, there were nine nominees by President Clinton to Pennsylvania vacancies who never got a vote: Patrick Toole, John Bingler, Robert Freedberg, Lynett Norton, Legrome Davis, David Fineman, Harry Litman, Stephen Lieberman, and Robert Cindrich to the

Third Circuit. Despite how well-qualified these nominees were, many of their nominations sat pending before the Senate for more than a year without being considered.

The record of this nominee stands in contrast to the record of many of this President's judicial nominees, particularly for circuit positions. Judge Gibson received a unanimous "well qualified" rating from the American Bar Association and has enjoyed a tremendous career as both a litigator and a judge. Far too many of this President's judicial nominees have limited legal experience and no judicial experience but significant partisan experience. In fact, 23 of this President's judicial nominees have earned partial or majority "not qualified" ratings from the ABA. Another nominees to the same court, Tom Hardiman, has significantly less litigation experience, no judicial experience and was given a partial "not qualified" rating by the ABA. It is also interesting to note that their local bar association, the Allegheny County Bar Association, gave the two nominees very different peer-review ratings. Judge Gibson received a rating of "highly recommended" for the district court position. Mr. Hardiman, however, received a rating of "not recommended" by the same local bar association.

Certainly, the citizens of Western Pennsylvania deserve a well qualified judiciary to hear their important legal claims in Federal court. I am pleased to lend my support to Judge Gibson's nomination. He will be the 13th judicial nominee of this President confirmed to the State of Pennsylvania and the fifth judge confirmed to the Western District of Pennsylvania. I congratulate Judge Gibson and his family.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Kim R. Gibson, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Mr. SESSIONS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 357 Ex.]

YEAS—94

Akaka	DeWine	Lott
Alexander	Dodd	Lugar
Allard	Dole	McCain
Allen	Domenici	McConnell
Baucus	Dorgan	Murkowski
Bayh	Durbin	Murray
Bennett	Ensign	Nelson (FL)
Biden	Enzi	Nelson (NE)
Bingaman	Feingold	Nickles
Bond	Feinstein	Pryor
Boxer	Fitzgerald	Reed
Breaux	Frist	Reid
Brownback	Graham (SC)	Roberts
Bunning	Grassley	Rockefeller
Burns	Gregg	Santorum
Byrd	Hagel	Sarbanes
Campbell	Harkin	Schumer
Cantwell	Hatch	Sessions
Carper	Hollings	Shelby
Chafee	Hutchison	Smith
Chambliss	Inhofe	Snowe
Clinton	Inouye	Specter
Cochran	Jeffords	Stabenow
Coleman	Johnson	Stevens
Collins	Kennedy	Sununu
Conrad	Kohl	Talent
Cornyn	Kyl	Thomas
Corzine	Landrieu	Voinovich
Craig	Lautenberg	Warner
Crapo	Leahy	Wyden
Daschle	Levin	
Dayton	Lincoln	

NOT VOTING—8

Edwards	Kerry	Mikulski
Graham (FL)	Lieberman	Miller

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid on the table and the President shall be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

#### UNANIMOUS-CONSENT REQUEST

Mr. REID. Mr. President, Senator KENNEDY is to be recognized for 10 minutes. His remarks will take longer than that. I ask unanimous consent that he be recognized for an additional five minutes and the majority have five minutes in addition to whatever time the majority leader has under his control.

The PRESIDING OFFICER. In my capacity as a Senator, I will object at this time.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 8½ minutes of my 10 minutes.

#### FAILED POLICY IN IRAQ

Mr. KENNEDY. Mr. President, I heard many of my colleagues today discussing my remarks on this administration's go-it-alone policy in Iraq. This administration and my colleagues across the aisle are trying to deflect attention away from the administration's failed policy in Iraq. For the sake of our troops, it is time for this administration to speak honestly about its failures in Iraq. Many Americans share my views, and I regret that the President considers them uncivil and not in the national interest. The

real action that was not in the American interest was the decision to go to war unilaterally without the support of our allies and without a plan to win the peace.

There is no question that the White House sees political advantage in the war. You can see it in Karl Rove's speeches to Republican strategists. Just this morning, the New York Times reports that "the White House goal is to show substantial improvement in Iraq before next fall's reelection campaign." You can see it in the way they attack the patriotism of those who question them.

There are valid questions and deep concerns about the administration's rush to war in Iraq—in its rationale, whether there is a plan for winning the peace, how the money is being spent, and when our troops can come home with honor. Our troops, their families, and the American people deserve answers—not more politics as usual.

The administration has no plan for Iraq, and it shows. American service men and women are paying with their lives. The President's trip to the United Nations this week is now the most important journey of his administration but it didn't have to be this way.

The situation in Iraq is out of control, and American troops are paying the price every day with their lives. We have now lost more troops since the President declared an end to major combat than during the war itself. The administration says it has an international coalition, but it is paper-thin. America has 85 percent of all the coalition troops on the ground, and we are taking 85 percent of the casualties. This administration is muddling through day-by-day, while the lives of our soldiers are at risk and their families worry here at home. The administration has been unwilling so far to make the compromises needed at the United Nations to obtain the support our troops need to ease their burden and bring stability and peace to Iraq. The American people want to know from President Bush, when can their sons and daughters, their husbands and wives, their fathers and mothers, return from Iraq with dignity, having fulfilled their mission?

The White House may be saying things are going well and we should stay the course. But the American people know that major changes in policy are essential. We need a plan from the administration—a real plan—before we write an \$87 billion blank check to pay for this administration's hollow policy in Iraq. Terrorists are sabotaging the reconstruction efforts, lashing out in every way they can. U.S. casualties continue to rise. The headquarters of the United Nations was devastated by a truck bomb that specifically targeted and killed the U.N.'s highly respected chief representative in Baghdad. Nothing is sacred. A key Shiite cleric was assassinated in the bombing of a mosque. Even the Jordanian Embassy

in Baghdad was bombed, in an ominous message to other Middle East nations that cooperate with the U.S. Terrorists are said to be streaming into Iraq to take advantage of the new breeding ground that our failed policy has given them.

President Bush has asked Congress to provide \$87 billion more in the coming year to set it right in Iraq, but it is essentially a blank check. He says he will internationalize the conflict, but he doesn't want to share power on the ground. The administration had a brilliant plan to fight the war, but no plan to win the peace. It had a brilliant plan to overthrow a government, but no plan to deliver on the promise of democracy. The American people are confused about why we fought this war, and what our strategy is for winning the peace.

Last fall, the President said that Iraq was developing nuclear weapons. The, he said Iraq has an active weapons of mass destruction program. This spring, the administration claimed that Iraq was linked to al-Qaida. None of these are true. No one doubts that Saddam Hussein was an evil dictator, but what was the imminent threat to our national security? The administration's rationale was built on a quicksand of false assumptions. In terms of how we will win the peace, the administration also seems confused. The Secretary of State has argued that additional time is needed to establish a new government in Iraq. A few weeks ago, he said, "it will be some time before any new government could take over the responsibilities inherent in being in charge of security." But Secretary Rumsfeld, in an effort to assure that we are not getting bogged down, says that things are "moving at a very rapid pace in Iraq."

Which is it?

These and other facts lead the American people to question whether the administration has an effective plan to share the security burden with the international community, reduce the burden on our troops, and deliver on the promise of democracy. The American people deserve answers.

How will the administration obtain a broader international mandate—through the United Nations—to bring in other countries' troops and provide a greater role for the United Nations in the political development and reconstruction of Iraq? How many additional troops are needed to prevent the sabotage undermining the reconstruction? What nations will supply troops? What is the estimate of the duration of the U.S. military occupation and the likely levels of U.S. and foreign troops required for security? What is the estimate of the total cost of security and reconstruction, including the likely amount of international contributions?

What is the schedule for restoring electricity, water, and other basic services to the Iraqi people? What is the long-term schedule for the withdrawal of foreign and American armed forces?

The administration must answer these questions and provide a credible long-term plan for Iraq. We can't afford to continue our failed strategy of making it up day-by-day as we go along, when our soldiers are paying for it with their lives. We all hope the window to peace will stay open. If it closes, history will have no mercy—it will say this is how we went to war against Iraq, for the wrong reason, and lost the war on terrorism. That is the precipice we not stand on. The administration needs to show the American people and the world a plausible plan to correct this colossal failure in our policy.

In addressing the United Nations, the President should have taken responsibility for his administration's mistakes in going to war without the broad support of the international community. We need to involve the United Nations in a meaningful way in the transition in Iraq. Our policy cannot be all take and no give. The President should work with the United Nations as long as it takes to get an agreement to help our troops and bring stability to Iraq. Our troops are doing their jobs in Baghdad; now President Bush must do his in New York.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Wisconsin.

#### HELPING DOMESTIC MANUFACTURERS

Mr. FEINGOLD. Mr. President, I rise today to offer some comments on one of the most serious problems we face in this Nation—the severe erosion of our manufacturing base.

This crisis has been well documented, and the statistics are dismaying. According to the Economic Policy Institute, between January 1998 and August 2003, manufacturing employment dropped by three million, and manufacturing's share of total gross domestic product fell from 16.3 percent in 1998 to 13.9 percent in 2002. In my own State of Wisconsin, 77,000 manufacturing jobs have been lost just in the last 2½ years.

Of course, as shocking as those numbers are, they do not begin to convey the depth of the personal tragedies behind them. Millions of families have had their breadwinner thrown out of work, and entire communities have been ravaged. When the factory shuts down, everybody in town feels the impact. Across my home State of Wisconsin communities are trying to cope with this crisis on a daily basis. There are, no doubt, a number of reasons for this sudden loss of manufacturing jobs, but at the absolute center has been our appalling trade policy. The trade agreements into which we have entered have failed to protect our businesses and workers against unfair competition from overseas competitors. This failed trade policy was the result of an unholy alliance of leaders of both the Democratic and Republican parties over the past decade and more. I opposed those trade agreements, and